APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,749	06/29/2001	Douglas K. Wyatt	7895.0027	3336

6980   7590   07/21/2004

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EXAMINER
MOIDUDDIN, NOREEN

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the application filed June 29, 2001.

2.   Claims 1-24 are pending in the application.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 2, 3, 5, 6, 7, 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 23, and 24 are rejected

under 35 U.S.C. 102(e) as being anticipated by Britton et al (U.S. 6, 279, 030)

(hereinafter: Britton).

Claim 1

Britton teaches a **method comprising:**

(a) providing a first code segment to a client; ("code (first code segment) that supplies the

attributes (parameters), ... 'attribute inserter'" column 12, lines 11-13 and "attribute inserter

function, ... reside[s] on client computer" column 12, lines 19-20)

(b) determining a plurality of parameters for an execution environment of an application

based on the first code segment;("code (first code segment) that supplies the attributes

(parameters), ... 'attribute inserter'" column 12, lines 11-13 and "attribute inserter inserts a set of

currently-applicable attributes (plurality of parameters)" column 12, lines 23-24, column 8, lines

14-22)

(c) providing the plurality of parameters to the server; ("The attribute inserter inserts a set of

currently-applicable attributes (plurality of parameters) as part of the request, creating request.

This request is then forwarded to the component server" column 12, lines 23-26)

(d) determining a second code segment for configuring the application based on the

plurality of parameters ("a second inserter", ... specifies attributes (parameters) related to

network connection" column 12, lines 65-66) substantially as claimed.

Claim 2

The rejection of claim 1 is incorporated, and further, Britton teaches **configuring the**

application at the client based on the second code segment (figure 5, item 552, "Multiple

attribute inserters (code segments) may be used in a chained configuration ..." column 12, lines

51-56).

Claim 3

The rejection of claim 2 is incorporated, and further, Britton teaches **launching automatically**

the application based on the configuration ("selecting a program component for remote

execution (launching) based on current values of changeable attributes (parameters used for

configuration)" column 4, lines 45-47, attributes are provided by attribute inserters).

Claim 5

The rejection of claim 1 is incorporated, and further, Britton teaches **determining a plurality of parameters comprises determining a hardware configuration of the client** ("supplies attributes (parameters), ...hardware, ... running on his machine" column 12, lines 63-65, and column 9, lines 1-3) as claimed.

Claim 6

The rejection of claim 1 is incorporated, and further, Britton teaches **determining a plurality of parameters comprises determining an operating system of the client** ("query the operating system, ... to determine the values of specific attributes (parameters)" column 9, lines 26-29) as claimed.

Claim 7

The rejection of claim 1 is incorporated, and further, Britton teaches **determining a plurality of parameters comprises determining information indicating a configuration of a browser installed on the client.** Britton discloses an embodiment of the invention, which uses the Internet. A "Web server (the server) provides services in response to requests from a client connected through the Internet" (column 7, lines 46-48) and that "attribute values (plurality of parameters) may represent a user's ... current working environment" (abstract). Britton specifies the current working environment includes the software environment (column 8, lines 37-39). It is inherent that the current software-working environment in the context of the Internet, refers to the browser environment.

Claim 8

The rejection of claim 1 is incorporated, and further, Britton teaches **determining a plurality of parameters comprises determining a condition of a path across the network between the client and the server** ("specifies attributes related to the network connection" column 12, lines 65-66, and column 13, lines 27-38) as claimed.

Claim 9

The rejection of claim 1 is incorporated, and further, Britton teaches **determining a plurality of parameters comprises determining a security restriction on communications between the client and the server** ("specifies attributes related to administrative policy" column 13, lines 1-2, and "selecting a program component based on user's authorization privileges" column 3, lines 51-52) as claimed.

Claim 10

The rejection of claim 1 is incorporated, and further, Britton teaches **determining a plurality of parameters comprises determining information indicating an identity of a user of the application** ("attributes (parameters) particular to a specific user" column 9, lines 3-4 and "user's identity from the local machine, add that as an attribute (parameter)" column 9, lines 15-18) as claimed.

As per claims 15, 16, 17, 19, 20, 21, 22, 23, and 24, they are computer readable medium claims corresponding to the method recited in 1, 2, 3, 5, 6, 7, 8, 9, and 10 respectively and they are rejected under the same rationale.

5.   Claims 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Dumarot et al. (U.S. 6,059842).

Claim 11

Dumarot et al teaches a client comprising:

a. **means for receiving a request to launch an application** ("user runs (launches) an application" column 8, lines 18-19);

b. **means for determining a plurality of parameters for the execution environment of the application** (optimizer program resides on local client column 4, lines 35-39, and figure 3, item 136, "gathers relevant system information (parameters for the execution environment)... (column 5, lines 30-33, and column 4, lines 67, column 5, lines 1-3);

c. **means for providing the determined plurality of parameters for the execution environment of the application** ("uses the information acquired in steps 303, 305, 310, 320, and 325 (plurality of parameters) to adjust system or application parameters (parameters for the execution environment of the application) in order to optimize the operation of the application" column 7, lines 1-4);

d. **means for configuring the application based on the determined plurality of parameters for execution environment** ("configuration file read by an application when application starts and controls various performance characteristics" (column 6, lines 61-66) as claimed.

Claim 12

The rejection of claim 11 is incorporated, and further, Dumarot teaches **the client further comprising means for outputting content associated with the application based on the configuration of the application.** ("provide suggestions or recommendations, ... output to the user (column 7, lines 17-25) as claimed.

6.   Claims 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bourke-Dunphy et al (U.S. 6.449,642) (hereinafter: Bourke-Dunphy).

Claim 13

Bourke-Dunphy teaches a server for a network-based application, comprising:

a. **means for receiving a request to launch an application** ("choosing application to be installed on client computer" item 91, figure 3 The installation request includes running (launching) an application , "The installation manager then runs the executable install programs" column 8, lines 55-56);

b. **means for providing first code to determine an execution environment of the application** ("creates a set-up diskette (first code)" for a client, column 1, lines 63-65);

c. **means for receiving a plurality of parameters for the execution environment of the application determined based on the first code** (The client set-up program passes user-specific information contained in netparam.ini, including networking parameters, to the network class installer (installer runs on server), column 8, lines 1-4);

d. **means for determining second code for configuring the application based on the**

plurality of determined parameters ("Using the collected information (plurality of

parameters), the SCW (running on the server) generates a set of application configuration files

(second code)" column 1, lines 55-63) as claimed.

Claim 14

The rejection of claim 13 is incorporated, and further, Bourke-Dunphy teaches **the server**

further comprising means for providing content for the application conforming to the

configuration of the application ("installation manager, running on the server, installs the

applications to the client computer from the server using the application configuration files"

column 2, lines 7-9) as claimed.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 4, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Britton et al. (U.S. 6.279,030) as applied to claims 1, and 15 above, and further in

view of moshman@wam.umd.edu (Google newsgroups:

comp.infosystems.www.authoring.html 04/10/1997) (hereinafter: Moshman).

Claim 4

The rejection of claim 1 is incorporated, and further, Britton teaches the application is an

application written in Java (figure 6, item 680).

Britton does not teach **providing a first code segment comprises providing JavaScript**

to determine support of Java.

Moshman teaches **providing a first code segment** (inside an applet) **comprises**

providing JavaScript to determine support of Java ("you can use JavaScript to determine

whether the browser can handle JAVA")

It would have been obvious to a person of ordinary skill in the art at the time of the

invention was made to use JavaScript in an applet to determine the support of Java as recited by

Moshman as the first code segment recited by Britton.

The modification would have been obvious because one of ordinary skill in the art at the

time of the invention would have been motivated to add JavaScript to an applet to determine

support of Java as recited by Moshman.

As per claim 18, a computer readable medium claim corresponding to the method recited in

claim 4, is rejected under the same rationale.

Correspondence Information

1.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Noreen Moiduddin** whose telephone number is (703)

305-0358. The examiner can normally be reached during the following hours:

Monday	Tuesday	Wednesday	Thursday	Friday
9:30 - 6:00	9:30 - 6:00	9:30 – 6:00	9:30 – 6:00	9:30 – 6:00

This schedule began May 1, 2004 and is subject to change.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of

August 4, 2003 the **FAX number** changed for the organization where this application or

proceeding is assigned is **(703) 872-9306**.

Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

9700.

ANIL KHATRI
PRIMARY EXAMINER

Noreen Moiduddin
Art Unit 2124
July 14, 2004